



"City of Choice"

**City Council Meeting**  
**CIBOLO MUNICIPAL BUILDING**  
200 S. MAIN  
August 13, 2013  
7:00 P.M.

**MINUTES**

A possible quorum of the Economic Development Corporation will be attending.

1. Call to Order – Meeting was called to order by Mayor Hartman at 7:02 p.m.
2. Roll Call – The following council members were present: Mayor Hartman, Councilman Pedde, Councilman Troncoso, Councilman Castro, Councilwoman Hale, Councilman Carlton, Councilman Liparoto and Councilman Hicks; Staff present: City Manager Herrera, City Attorney Zech, City Secretary Cimics, ED Director Luft, Fire Chief Niemietz, Police Chief Cox, Development/Planning Services Stricker, and Public Works Director Fousse.
3. Invocation – Invocation was given by Councilman Castro.
4. Pledge of Allegiance – All those in attendance recited the Pledge of Allegiance.
5. Public Hearing
  - A. The City of Cibolo City Council will hold a Public Hearing to hear testimony regarding the City of Cibolo Capital Improvements Plan relating to the possible adoption of impact fees. The purpose of the hearing is to consider the land use assumptions and capital improvements plan under which an impact fee may be imposed. Any member of the public has the right to appear at the hearing and present evidence for or against the land use assumptions and capital improvements plan.

Mayor Hartman opened the Public Hearing at 7:05 p.m. An overview of the impact fees was presented by Espey consultants. No citizen's spoke and Mayor Hartman closed the Public Hearing at 7:16 p.m.
6. Citizens to be Heard

This is the opportunity for visitors and guests to address the City Council on any issue. City Council may not debate any non-agenda issue, nor may any action be taken on any non-agenda issue at this time, however, City Council may present any factual response to items brought up by citizens.

Maggie Titterington - Schertz Chamber showed a video of the Disc Golf Tournament at Schlather Park (very successful), Dave Madison, General Transportation Mgr. for Wal-Mart spoke to council. A Cibolo resident and may not be the perfect location but was pleased that Wal-Mart would be coming to Cibolo. Jerry Wherry also a Wal-Mart employee and a resident of Cibolo. He stated that Wal-Mart

drivers are "Safety First" and is happy that Wal-Mart will be coming into Cibolo. Tannya Steffen spoke that the preliminary plat on the Borgfeld Market approved by the P&Z should start over as that committee did not receive all the information to make a proper decision. UDC missing items and also felt Borgfeld Road on the CIP was pushup because of Wal-Mart. Ryan Slaughter spoke on the inconsistent of City documents and the UDC being very vague. JC Dufresne spoke to council on the approval process for the Borgfeld Market Plat and that the correct procedures in the UDC were not followed. Pre-Plat should be sent back to the P&Z. Frank Jurads a citizen of Cibolo and a Wal-Mart manager and will be happy to see a local Wal-Mart in Cibolo. David Vasquez a 10 year resident with grown children who are also residents and also a Wal-Mart employee. Mr. Vasquez stated that Wal-Mart works and invest with the community that they build in. Catherine Benecke from the Bentwood Ranch HOA would hope that property rights are respected in the 380 agreement with fences, truck routes and a contingency plan put in place. Brent Hartman President of Falcon Ridge HOA wanted the council to stop all 380 talks until an appropriate TIA is completed. Leonard Gray a Cibolo resident stated that 5% of the people are getting all the publicity which is unjust. He represents at least 90% and council should uphold the zoning. Wal-Mart will bring jobs and taxes. A rejection of Wal-Mart will send a bad message to future businesses that may want to open up in Cibolo. Donna Johnston has been in Cibolo since 92 is against the recall and feels we need to focus on issues that have been a problem before Wal-Mart like flooding and water. Daniel Davila signed the petition and wants it on the ballot. He feels that the community is divided and that each Council Members should find out what their district wants. Mr. Davila also stated that he thought Wal-Mart was a magnet for crime and was concern about the sale of alcohol and firearms.

7. Consent Agenda – Consent Items (General Items)

- A. Approval of the minutes of the Regular City Council Meeting held on July 23, 2013.
- B. Approval of the minutes of the Workshop held on July 23, 2013.
- C. Approval of the minutes of the Workshop held on July 29, 2012.
- D. Approval of the minutes of the Special Council Meeting/Workshop held on July 30, 2013.
- E. Approval of the minutes of the Workshop held on July 31, 2013.

Councilman Carlton moved to approve the consent agenda with the change to 7C to read 2013 instead of 2012. Motion was seconded by Councilman Hicks. For: Council Members: Pedde, Troncoso, Castro, Hale, Carlton, Liparoto and Hicks; Against: None. Motion carried 7 to 0.

8. Staff Updates/Discussion

- A. Fire Department
- B. Court Department
- C. Planning & Developmental Services Department
- D. Administration

Chief Niemietz, Fire Chief gave a briefing on the fire activities for the month of July 2013.

9. Discussion/Action

- A. Discussion/Action on the removal, appointments and re-appointments to Planning and Zoning Commission, Parks Commission, Streets and Drainage Commission, Board of Adjustments

Commission, Capital Improvement Program (CIP), Charter Review Committee and Cibolo Economic Development Corporation.

Councilman Liparoto moved to re-appoint Tex Farnsworth and Norma Mashburn to the Planning and Zoning Commission. Motion was seconded by Councilman Hicks. For: Council Members: Pedde, Troncoso, Castro, Hale, Carlton, Liparoto and Hicks; Against: None. Motion carried 7 to 0. Councilman Hicks moved to appoint James Tibbetts to the Board of Adjustments. Motion was seconded by Councilman Liparoto. For: Council Members: Pedde, Troncoso, Castro, Hale, Carlton, Liparoto and Hicks; Against: None. Motion carried 7 to 0.

B. Discussion/Action on the role and involvement the Economic Development Corporation with the City of Cibolo.

Mayor Hartman turned this item over to the Economic Development Corporation President Mr. Peacock. Attending with Mr. Peacock were Mr. Dick Hetzel, Mr. Donovan Jackson and Mr. Stosh Boyle all members of the ED Corporation. Mr. Peacock stated that EDC has been limited on resources but they have grown over the years and want to take on a bigger role with the City. They are frustrated with some issues to include the Industrial Park Development on IH 10 and the Multi-Event Center. They feel that the EDC Director has had little input into the IH 10 project and that since ED Corporation pays the payment on the Multi Event Center they should be involved in the process if the City plans on letting another organization take over the leasing and advertising of the facility. They feel Mark Luft is doing a great job and would like to see him work directly for the ED Board.

C. Discussion/Action on the Budget for Economic Development Corporation.

Mr. Peacock would like to have council approve their budget but be allowed to bring changes back as needed during the year.

D. Discussion/Action on the petition received on Friday, July 19, 2013 for the recall of four council members

Council set a public hearing date to permit the four council members that are on the recall petitions to present the facts pertinent to the charges specified in the recall petition.

E. Discussion/Action on the Preliminary Plat for Cibolo Summit.

Councilman Pedde moved to approve the Preliminary Plat for Cibolo Summit with condition 1 that a final plat shall not be recorded until issues pertaining to the renaming and addressing of the existing Green Valley Road between Kove Lane and Town Creek Drive are resolved and the requirement to final a new plat. Motion was seconded by Councilman Troncoso. For: Council Members: Castro, Carlton, Hicks, Pedde and Troncoso; Against: Council Members: Hale and Liparoto. Motion carried 5 to 2.

F. Discussion/Action on the appointment of a Zoning Administrator as required by the Unified Development Code (UDC) Section 4.2.3.

Councilman Troncoso moved to appoint Randy Anderson the Zoning Administrator. Motion was seconded by Councilman Hicks. For: Council Members: Carlton, Hicks and Troncoso; Against: Council Members: Liparoto, Hale, Castro and Pedde. Motion failed 3 to 4. Councilman Pedde moved to appoint the City Manager Mr. Herrera as the Zoning Administrator. Motion was seconded

by Councilman Hicks. For: Council Members: Pedde, Troncoso, Castro, Hale, Carlton, Liparoto and Hicks; Against: None. Motion carried 7 to 0.

G. Discussion/Action and approval of the Joint Election Agreement for the November 2013 Elections.

Councilman Hicks moved to approve the Joint Election Agreement for the November 2013 Election. Motion was seconded by Councilman Pedde. For: Council Members: Pedde, Troncoso, Castro, Hale, Carlton, Liparoto and Hicks; Against: None. Motion carried 7 to 0.

H. Discussion/Action on the City Manager's submission of the proposed FY2013/2014 budget and the scheduling a date, time and place for a public hearing on the FY 2013/2014 budget.

Councilman Liparoto moved to set a public hearing for August 27<sup>th</sup> at 7:00 p.m. on the budget at City Hall (200 S. Main). Motion was seconded by Councilwoman Hale. For: Council Members: Pedde, Troncoso, Castro, Hale, Carlton, Liparoto and Hicks; Against: None. Motion carried 7 to 0.

I. Discuss proposed tax rate, take record vote and schedule public hearing if the proposed tax rate exceeds the rollback rate of the effective tax rate (whichever is lower).

Councilman Pedde moved to approve the proposed tax rate of 0.4454. Motion was seconded by Councilman Carlton. For: Council Members: Pedde, Troncoso, Castro, Hale, Carlton, Liparoto and Hicks; Against: None. Motion carried 7 to 0.

J. Discussion and direction on the Masonry Ordinance.

Council discussed this item and several council members did not feel that this ordinance was the solution to the actual problem. The solution needs to address the specification of materials we use and staff needs to look at the materials we allow in the building code. This item will be brought back at a later date referring the City's Building Codes.

K. Discussion and direction on the audio/visual system.

Mayor stated that citizens still have a problem hearing the council or individuals that speak at the podium. Mayor Hartman would like all committees and commission to use the microphones and overhead screen and have all meetings recorded. Monitors are still a problem with council members. Chief Cox will get with each council member and will bring back at a later meeting recommendations for improvement.

L. Discuss and consider authorizing the City Manager to negotiate a lease agreement for potable water for City Council approval.

Councilman Liparoto moved to approve authorizing the City Manager to negotiate a lease agreement for potable water for the City of Cibolo. Motion was seconded by Councilman Castro. For: Council Members: Pedde, Troncoso, Castro, Hale, Carlton, Liparoto and Hicks; Against: None. Motion carried 7 to 0.

M. Discussion/Action on the review and confirmation of all upcoming special meetings and workshops and scheduling the time, date, and place of additional special meetings or workshops.

Council went over the calendar for August and September 2013.

## 10. Ordinances

- A. Approval/Disapproval of an Ordinance of the City of Cibolo, Guadalupe County, Texas, Ordering a Municipal Election to be held on Tuesday, November 5, 2013 for the purpose of the Election of Councilmembers to District 2, 3, 7; and the Election of a Mayor.

Councilman Liparoto moved to approve an Ordinance of the City of Cibolo, Guadalupe County, Texas, Ordering a Municipal Election to be held on Tuesday, November 5, 2013 for the purpose of the Election of Council Members to District 2, 3, 7; and the Election of a Mayor. Motion was seconded by Councilman Pedde. For: Council Members: Pedde, Troncoso, Castro, Hale, Carlton, Liparoto and Hicks; Against: None. Motion carried 7 to 0.

- B. Approval/Disapproval of an Ordinance of the City of Cibolo, Texas, providing Order and Notice of a Special Election to be held on November 5<sup>th</sup> 2013 for the purpose of submitting to the qualified voters, for Adoption, or Rejection, Proposed Amendments to the existing Charter of the City of Cibolo, Texas.

Councilman Pedde moved to approve an Ordinance of the City of Cibolo, Texas, providing Order and Notice of a Special Election to be held on November 5<sup>th</sup> 2013 for the purpose of submitting to the qualified voters, for Adoption, or Rejection, Proposed Amendments to the existing Charter of the City of Cibolo, Texas. Motion was seconded by Councilman Troncoso. For: Council Members: Pedde, Troncoso, Castro, Hale, Carlton, Liparoto and Hicks; Against: None. Motion carried 7 to 0.

- C. Approval/Disapproval of an Ordinance of the City Council amending Chapter 6 Alcoholic Beverages of the Code of Ordinances to prohibit the sale of alcoholic beverages by a dealer whose business is within 300 feet of a church, public or private school, or public hospital and creating permit fee requirements applicable to the sale of alcoholic beverages in the City of Cibolo.

Mr. Bob Hicks spoke on this item and wanted to know how many council members had done the research to know how many other businesses in Cibolo are within 300 feet of a church or a public or private school.

Council convened into Executive Session at 9:41 p.m. Council reconvened into Regular Session at 9:55 p.m. Councilman Troncoso moved to table this item until the August 22 meeting as the City received a petition on this item. Motion was seconded by Councilman Pedde. For: Council Members: Pedde, Troncoso, Castro, Hale, Carlton, Liparoto and Hicks; Against: None. Motion carried 7 to 0.

## 11. Executive Session

The City Council will meet in Executive Session as authorized by the Texas Gov't Code 551.071 Consultation with Attorney to discuss:

- A. Pursuant to Texas government code sections 551.087 and 551.071 deliberate and discuss an offer of a financial or other incentive to a business prospect the governing body seeks to have locate on property located on Cibolo Valley Drive between Main and Borgfeld and legal issues associated the agreement.

Council convened into Executive Session at 9:56 p.m.

12. Open Session

- A. Reconvene into Regular Session and take action or give direction, if necessary, on the items discussed in Executive Session.

Council reconvened into Regular Session at 10:53 p.m. No action taken.

13. City Council request(s) regarding specific items to be scheduled for future agendas.

Councilwoman Hale would like to see the Noise Ordinance back on the agenda with times and hours and also the safety issue at Deer Creek. Councilman Liparoto wanted the crosswalk at Bentwood Ranch and Cibolo Valley Drive on the agenda. Mayor Hartman would like to see a Fee Schedule for the Disc Golf Course at Schlather Park.

14. Adjournment:

Councilman Liparoto moved to adjourn the meeting at 10:55 p.m. Motion was seconded by Councilman Carlton. For: All; Against: None. Motion carried 7 to 0.

PASSED AND APPROVED THIS 27<sup>TH</sup> DAY OF AUGUST 2013.

  
Jennifer Hartman  
Mayor

ATTEST  
  
Peggy Cimics  
City Secretary

